

103D CONGRESS
1ST SESSION

H. R. 2866

To provide for the sound management and protection of Redwood forest areas in Humboldt County, California, by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 1993

Mr. HAMBURG (for himself, Mr. STARK, Mr. STUDDS, Mr. GEPHARDT, Mr. MILLER of California, Mr. WAXMAN, Mr. DEFazio, Ms. WOOLSEY, Mrs. SCHROEDER, Mr. MATSUI, Mr. MINETA, Mr. BRYANT, Mr. VENTO, Mr. RAVENEL, Mr. ABERCROMBIE, Mr. RICHARDSON, Mr. SMITH of Iowa, Ms. FURSE, Mr. EDWARDS of California, Mr. SABO, Mr. BROWN of Ohio, Mr. POSHARD, Miss COLLINS of Michigan, Mr. ACKERMAN, Mr. DEL-LUMS, Mr. ANDREWS of Maine, Mr. OLVER, Ms. MOLINARI, Mr. MARKEY, Mr. BARRETT of Wisconsin, Mr. BEILENSEN, Mr. BERMAN, Mr. BISHOP, Mrs. MINK, Mr. BLACKWELL, Mr. SERRANO, Mr. BONIOR, Mr. WASHINGTON, Mr. BROWN of California, Mr. JACOBS, Mr. COLEMAN, Mr. MFUME, Ms. WATERS, Mr. WATT, Mr. TORRES, Mrs. CLAYTON, Mr. RAHALL, Mr. CLYBURN, Mr. DIXON, Mrs. COLLINS of Illinois, Mr. KOPETSKI, Mr. LANCASTER, Mr. ENGEL, Ms. SHEPHERD, Mr. UNDERWOOD, Ms. ESHOO, Mr. INSLEE, Mr. POMEROY, Ms. ROYBAL-ALLARD, Mr. JOHNSON of South Dakota, Mr. EVANS, Mr. LIPINSKI, Mr. FALEOMAVAEGA, Mr. MORAN, Mr. OWENS, Mr. PASTOR, Mr. FARR of California, Mr. FILNER, Mr. HINCHEY, Mr. SCHUMER, Mr. FRANK of Massachusetts, Mr. LANTOS, Mr. MARTINEZ, Mr. McHALE, Mrs. MEEK, Ms. PELOSI, Mrs. UNSOELD, Ms. VELÁZQUEZ, Mr. ROMERO-BARCELÓ, Mr. SANDERS, and Mr. SHARP) introduced the following bill; which was referred jointly to the Committees on Natural Resources and Agriculture

A BILL

To provide for the sound management and protection of Redwood forest areas in Humboldt County, California,

by adding certain lands and waters to the Six Rivers National Forest and by including a portion of such lands in the national wilderness preservation system

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Headwaters Forest
5 Act”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds that:

8 (1) Redwoods are a significant national symbol
9 and a defining symbol of the State of California.

10 (2) Old growth redwood trees are a unique and
11 irreplaceable natural resource.

12 (3) Most of the Nation’s old growth forests
13 have been cut. Less than 5 percent of the original
14 2,000,000 acre Coast redwoods remain standing.
15 The groves that are left are crucial to maintain habi-
16 tat needed for survival of old-growth dependent spe-
17 cies. The Headwaters Forest, for example, is home
18 to one of California’s three largest population of
19 marbled murrelets, rare sea birds that nest only in
20 coastal old growth trees; the Northern Spotted Owl;
21 and native salmon stocks that spawn in the Forest’s
22 creeks.

1 (4) The remaining unprotected stands of old
2 growth forests and old growth redwoods are under
3 immediate threat of being harvested without regard
4 to their ecological importance and without following
5 Federal timber harvest guidelines.

6 (5) Significant amounts of old growth redwoods
7 in the proposed National Forest additions are being
8 cut at a pace that is based on paying high interest
9 rates on poor quality bonds and not at a pace that
10 is based on sound forest management practices.

11 (b) PURPOSE.—The purpose of this Act is to provide
12 for the sound management and protection of old growth
13 Redwood forest areas in Humboldt County, California,
14 and to preserve and enhance habitat for the marbled
15 murrelet, Northern Spotted owl, native salmon stocks, and
16 other old growth forest dependent species, by adding cer-
17 tain lands and waters to the Six Rivers National Forest
18 and by including a portion of such lands in the national
19 wilderness preservation system.

20 **SEC. 3. ADDITION TO SIX RIVERS NATIONAL FOREST.**

21 (a) EXTENSION OF BOUNDARIES.—The exterior
22 boundaries of the Six Rivers National Forest in the State
23 of California are hereby extended to include the area com-
24 prising approximately 44,000 acres, as generally depicted
25 on the map entitled “Six Rivers National Forest Addition

1 proposed”, dated June 1993. Such area shall hereinafter
2 in this Act be referred to as the Six Rivers National Forest
3 Addition. The map shall be on file and available for public
4 inspection in the offices of the Forest Supervisor, Six Riv-
5 ers National Forest, and in the offices of the Chief of the
6 Forest Service, Department of Agriculture.

7 (b) ACQUISITION OF LAND.—(1) The Secretary shall
8 acquire lands or interests in land within the exterior
9 boundaries of the Six Rivers National Forest Addition by
10 donation, by purchase with donated or appropriated funds,
11 or by exchange for other lands owned by any department,
12 agency, or instrumentality of the United States. When any
13 tract of land is only partly within such boundaries, the
14 Secretary may acquire all or any portion of the land out-
15 side of such boundaries in order to minimize the payment
16 of severance costs. Land so acquired outside of the bound-
17 aries may be exchanged by the Secretary for non-Federal
18 lands within the boundaries, and any land so acquired and
19 not utilized for exchange shall be reported to the General
20 Services Administration for disposal under the Federal
21 Property and Administrative Services Act of 1949 (63
22 Stat. 377). Lands, and interests in lands, within the
23 boundaries of the Headwaters Forest which are owned by
24 the State of California or any political subdivision thereof,
25 may be acquired only by donation or exchange.

1 (2) The Secretary is authorized to accept from the
2 State of California funds to cover the cost of acquiring
3 lands within the Headwaters Forest, and notwithstanding
4 any other provision of law, the Secretary may retain and
5 expend such funds for purposes of such acquisition. Such
6 funds shall be available for such purposes without further
7 appropriation and without fiscal year limitation.

8 (c) LAND ACQUISITION PLAN.—The Secretary shall
9 develop and implement, within 6 months after the enact-
10 ment of this Act, a land acquisition plan which contains
11 specific provisions addressing how and when lands will be
12 acquired under subsection (b). The plan shall give priority
13 first to the acquisition of lands within the boundaries of
14 the Headwaters Forest Wilderness identified on the map
15 referred to in section 3(a). The Secretary shall submit cop-
16 ies of such plan to the Committee on Natural Resources,
17 the Committee on Agriculture, and the Committee on Ap-
18 propriations of the United States House of Representa-
19 tives and to the Committee on Energy and Commerce, the
20 Committee on Agriculture, Nutrition, and Forestry and
21 the Committee on Appropriations of the United States
22 Senate.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are hereby authorized to be appropriated such sums as
25 may be necessary to carry out the purposes of this Act.

1 **SEC. 4. WILDERNESS AREAS.**

2 (a) DESIGNATION.—In furtherance of the purposes of
3 the Wilderness Act (16 U.S.C. 1131–1136), lands in the
4 State of California acquired under section 3 of this Act
5 which are within the areas generally depicted on the map
6 referred to in section 3 as the “Headwaters Forest Wilder-
7 ness (Proposed)” shall be designated as wilderness and
8 therefore as a component of the National Wilderness Pres-
9 ervation System, effective upon acquisition under section
10 3. Such lands shall be known as the Headwaters Forest
11 Wilderness.

12 (b) MAP AND DESCRIPTION.—As soon as practicable
13 after the inclusion of any lands in the Headwaters Forest
14 Wilderness, the Secretary shall file a map and a boundary
15 description of the area so included with the Committee on
16 Natural Resources of the House of Representatives and
17 with the Committee on Energy and Natural Resources of
18 the United States Senate. The Secretary may correct cleri-
19 cal and typographical errors in such boundary description
20 and such map. Each such map and boundary description
21 shall be on file and available for public inspection in the
22 Office of the Chief of the Forest Service, United States
23 Department of Agriculture.

24 (c) BUFFER ZONES NOT INTENDED.—The Congress
25 does not intend that designation of any area as wilderness
26 under this section lead to the creation of protective perim-

1 eters or buffer zones around the wilderness area. The fact
2 that nonwilderness activities or uses can be seen or heard
3 from areas within a wilderness shall not, of itself, preclude
4 such activities or uses up to the boundary of the wilder-
5 ness area.

6 (d) STATE AUTHORITY OVER FISH AND WILDLIFE.—
7 As provided in section 4(d)(8) of the Wilderness Act, noth-
8 ing in this Act shall be construed as affecting the jurisdic-
9 tion or responsibilities of the State of California with re-
10 spect to wildlife and fish in any areas designated by this
11 Act as wilderness.

12 **SEC. 5. ADMINISTRATION.**

13 (a) MANAGEMENT PLAN.—The Secretary shall de-
14 velop, within 1 year after the enactment of this Act, a
15 comprehensive management plan detailing measures for
16 the preservation of the existing old growth redwood
17 ecosystems in the Six Rivers National Forest Addition, in-
18 cluding but not limited to each of the following:

19 (1) Prohibition of sale of timber from lands
20 within the old growth redwood groves as depicted
21 generally on the map referred to in section 3(a).
22 Timber sales in other areas shall be allowed consist-
23 ent with the purposes of this Act and other applica-
24 ble Federal laws and regulations.

1 (2) Measures to restore lands affected by pre-
2 vious timber harvests to mitigate watershed degrada-
3 tion and impairment of habitat for the marbled
4 murrelet, spotted owl, native salmon stocks, and
5 other old-growth forest dependent species (“Restora-
6 tion Measures”).

7 The Management Plan shall be reviewed and revised every
8 time the Six Rivers National Forest Land and Resource
9 Management plan is revised or more frequently as nec-
10 essary to meet the purposes of this Act.

11 (b) APPLICABLE LAWS AND POLICIES.—(1) The Sec-
12 retary, acting through the Chief of the Forest Service,
13 shall administer the lands acquired under section 3(b) in
14 accordance with the Management Plan, this Act, and with
15 the other laws, rules, and regulations applicable to such
16 national forest. In addition, subject to valid existing
17 rights, any lands acquired and designated as wilderness
18 under section 4(a) shall also be administered in accord-
19 ance with the provisions of the Wilderness Act governing
20 areas designated by that Act as wilderness, except that
21 any reference in such provisions to the effective date of
22 the Wilderness Act (or any similar reference) shall be
23 deemed to be a reference to the date of acquisition of such
24 lands under section 3 of this Act.

1 (2) To the maximum extent practicable, all work to
2 implement the management plan's Restoration Measures
3 shall be performed by unemployed forest and timber work-
4 ers, unemployed commercial fishermen, or other unem-
5 ployed persons whose livelihood depends on fishery and
6 timber resources.

7 (3) In order to facilitate management, the Secretary,
8 acting through the Chief of the Forest Service may enter
9 into agreements with the State of California for the man-
10 agement of lands owned by the State or purchased with
11 State assistance.

12 **SEC. 6. PAYMENTS TO LOCAL GOVERNMENT.**

13 (a) PILT.—Solely for purposes of payments made
14 pursuant to chapter 69 of title 31 of the United States
15 Code, all lands added to the Six Rivers National Forest
16 by this Act shall be deemed to have been acquired for the
17 purposes specified in section 6904(a) of such title 31.

18 (b) 10-YEAR PAYMENT.—(1) Subject to annual ap-
19 propriations and the provisions of subsection (c), for a pe-
20 riod of 10 years after acquisition by the United States of
21 lands added to the Six Rivers National Forest by this Act,
22 the Secretary, with respect to such acquired lands, shall
23 make annual payments to Humboldt County in the State
24 of California in an amount equal to the State of California
25 Timber Yield Tax revenues payable under the California

1 Revenue and Taxation Code (sec. 38101 et seq.) in effect
2 as of the date of enactment of this Act that would have
3 been paid with respect to such lands if the lands had not
4 been acquired by the United States, as determined by the
5 Secretary pursuant to this subsection.

6 (2) The Secretary shall determine the amounts to be
7 paid pursuant to paragraph (1) of this subsection based
8 on an assessment of a variety of factors including, but not
9 limited to—

10 (A) timber actually sold in the subject year
11 from comparable commercial forest lands of similar
12 soil type, slope and such determination of appro-
13 priate timber harvest levels,

14 (B) comparable timber size class, age, and qual-
15 ity,

16 (C) market conditions,

17 (D) all applicable Federal, State, and local laws
18 and regulations, and

19 (E) the goal of sustainable, even-flow harvest or
20 renewable timber resources.

21 (c) CALIFORNIA TIMBER YIELD TAX.—The amount
22 of State of California Timber Yield Tax payments paid
23 to Humboldt County in any year pursuant to the laws of
24 California for timber sold from lands acquired under this

1 Act shall be deducted from the sums to be paid to Hum-
2 boldt County in that year under subsection (b).

3 (d) 25-PERCENT FUND.—Amounts paid under sub-
4 section (b) with respect to any land in any year shall be
5 reduced by any amounts paid under the Act of May 23,
6 1908 (16 U.S.C. 500) which are attributable to sales from
7 the same lands in that year.

8 **SEC. 7. FOREST STUDY.**

9 The Secretary shall study the lands within the area
10 comprising approximately 13,620 acres and generally de-
11 picted as “Study Area” on the map referred to in section
12 3(a). The study shall analyze the area’s potential to be
13 added to the Headwaters Forest and shall identify the nat-
14 ural resources of the area including the location of old
15 growth forests, old growth redwood stands, threatened and
16 endangered species habitat and populations including the
17 northern spotted owl and marbled murrelet, commercial
18 timber volume, recreational opportunities, wildlife and
19 fish, watershed management, and the cost of acquiring the
20 land. Within one year of the date of enactment of this
21 Act, the Secretary shall submit a report with the findings
22 of the study to the Committees on Natural Resources, and
23 Agriculture of the United States House of Representatives
24 and the Committees on Energy and Natural Resources,

1 and Agriculture, Nutrition, and Forestry of the United
2 States Senate.

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